

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 106**

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**Introduced by Assembly Member Price**

January 12, 2009

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An act to amend Sections 2102, 2142, 2150, 2162, and 2194 of, and to add Section 2101.5 to, the Elections Code, to amend Section 6254.4 of the Government Code, to add Section 19584.5 to the Revenue and Taxation Code, and to amend Section 12950.5 of, and to add Section 12500.5 to, the Vehicle Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 106, as amended, Price. Elections: voter registration.

Under existing law, a person may register to vote by completing an affidavit of registration.

This bill would also provide that a person may register to vote by completing and submitting to the Department of Motor Vehicles a voter form on an application for a new or renewed California driver's license, instruction permit, junior permit, or identification card, or by completing and submitting to the Franchise Tax Board a voter form on a Personal Income Tax form. If the person named on these voter forms would not be 18 years of age at the time of the next election but otherwise satisfies the requirements to be registered to vote, he or she would be automatically registered to vote at 18 years of age. The bill would require the Department of Motor Vehicles and the Franchise Tax Board to transmit these voter forms to the elections official of the county in which the person resides, unless the person has not indicated that he or she wishes to be registered to vote, has not completed the application or form, or has not supplied sufficient information to indicate that he

or she satisfies the requirements to be registered to vote. Except as specified, these voter forms would be affidavits of registration.

Because the bill requires elections officials to perform additional duties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2101.5 is added to the Elections Code,  
2     to read:  
3     2101.5. (a) A person may register to vote by properly  
4     completing and submitting to the Department of Motor Vehicles  
5     an application for a new or renewed California driver's license,  
6     instruction permit, junior permit, or identification card or by  
7     properly completing and submitting to the Franchise Tax Board a  
8     Personal Income Tax filing form pursuant to Part 10.2  
9     (commencing with Section 18401) of Division 2 of the Revenue  
10    and Taxation Code. A person who properly completes and submits  
11    to the Department of Motor Vehicles an application for a new or  
12    renewed California driver's license, instruction permit, junior  
13    permit, or identification card or who properly completes and  
14    submits to the Franchise Tax Board a Personal Income Tax filing  
15    form who will not be 18 years of age at the time of the next election  
16    but supplies sufficient information on the application or form to  
17    establish that he or she otherwise satisfies the requirements to be  
18    registered to vote and indicates on the application or form that he  
19    or she wishes to be registered to vote shall be automatically  
20    registered to vote at the time that he or she will be 18 years of age  
21    by the time of the next election.  
22    (b) Upon receipt of the duplicate of the document from the  
23    Department of Motor Vehicles transmitted pursuant to Section  
24    12500.5 of the Vehicle Code, or from the Franchise Tax Board

transmitted pursuant to Section 19584.5 of the Revenue and Taxation Code, the county elections official shall examine the document and determine if the person named on the document has supplied the information required to establish that he or she is qualified to vote. If the *duplicate* document indicates that the person satisfies the requirements to be registered to vote, ~~the document~~ *it* shall constitute the voter's affidavit of registration. If the person named on the duplicate document will not be 18 years of age at the time of the next election but supplies sufficient information on the application or form to establish that he or she otherwise satisfies the requirements to be registered to vote, the person shall be automatically registered to vote at the time that he or she will be 18 years of age by the time of the next election.

(c) Except as provided in Sections 2137, 2139, 2157, 2159, 2159.5, 2160, 2161, 18108, 18108.1, and 18108.5, all references to "affidavit of registration" also apply to the duplicate document received from the Department of Motor Vehicles or the Franchise Tax Board that caused a voter to be registered.

SEC. 2. Section 2102 of the Elections Code is amended to read:

2102. (a) A person may not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit of registration by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed affidavit of registration shall also be deemed effective upon receipt of the affidavit of registration by the county elections official if any of the following apply:

(1) The affidavit of registration is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit of registration is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 15th day prior to the election.

(3) The affidavit of registration is submitted to the Department of Motor Vehicles pursuant to Section 12500.5 of the Vehicle

1 Code or to the Franchise Tax Board pursuant to Section 19584.5  
2 of the Revenue and Taxation Code on or before the 15th day prior  
3 to the election.

4 (4) The affidavit of registration is delivered to the county  
5 elections official by means other than those described in paragraph  
6 (1), (2), or (3) on or before the 15th day prior to the election.

7 (b) For purposes of verifying signatures on a recall, initiative,  
8 or referendum petition or signatures on a nomination paper or any  
9 other election petition or election paper, a properly executed  
10 affidavit of registration shall be deemed effective for verification  
11 purposes if both (1) the affidavit of registration is signed on the  
12 same date or a date prior to the signing of the petition or paper,  
13 and (2) the affidavit of registration is received by the county  
14 elections official on or before the date on which the petition or  
15 paper is filed.

16 (c) Notwithstanding any other provision of law to the contrary,  
17 the affidavit of registration required under this chapter may not be  
18 taken under sworn oath, but the content of the affidavit shall be  
19 certified as to its truthfulness and correctness, under penalty of  
20 perjury, by the signature of the affiant.

21 SEC. 3. Section 2142 of the Elections Code is amended to read:

22 2142. (a) If the county elections official refuses to register a  
23 qualified elector in the county, the elector may proceed by action  
24 in the superior court to compel his or her registration. In an action  
25 under this section, as many persons may join as plaintiffs as have  
26 causes of action.

27 (b) If the county elections official has not registered a qualified  
28 elector who claims to have registered to vote through the  
29 Department of Motor Vehicles, the Franchise Tax Board, or a  
30 public agency designated as a voter registration agency pursuant  
31 to the National Voter Registration Act of 1993 (42 U.S.C. Sec.  
32 1973gg), the elector may proceed by action in the superior court  
33 to compel his or her registration. In an action under this section,  
34 as many persons may join as plaintiffs as have causes of action.

35 (c) A fee shall not be charged by the clerk of the court for  
36 services rendered in an action under this section.

37 SEC. 4. Section 2150 of the Elections Code is amended to read:

38 2150. (a) The affidavit of registration shall show:

39 (1) The facts necessary to establish the affiant as an elector.

1 (2) The affiant's name at length, including his or her given  
2 name, and a middle name or initial, or if the initial of the given  
3 name is customarily used, then the initial and middle name. The  
4 affiant's given name may be preceded, at *the* affiant's option, by  
5 the designation of Miss, Ms., Mrs., or Mr. A person shall not be  
6 denied the right to register because of his or her failure to mark a  
7 prefix to the given name and shall be so advised on the voter  
8 registration card. This subdivision shall not be construed as  
9 requiring the printing of prefixes on an affidavit of registration.

10 (3) The affiant's place of residence, residence telephone number,  
11 if furnished, and e-mail address, if furnished. No person shall be  
12 denied the right to register because of his or her failure to furnish  
13 a telephone number or e-mail address, and shall be so advised on  
14 the voter registration card.

15 (4) The affiant's mailing address, if different from the place of  
16 residence.

17 (5) The affiant's date of birth to establish when he or she will  
18 be 18 years of age.

19 (6) The state or country of the affiant's birth.

20 (7) (A) In the case of an applicant who has been issued a current  
21 and valid driver's license, the applicant's driver's license number.

22 (B) In the case of any other applicant, other than an applicant  
23 to whom subparagraph (C) applies, the last four digits of the  
24 applicant's social security number.

25 (C) If an applicant for voter registration has not been issued a  
26 current and valid driver's license or a social security number, the  
27 state shall assign the applicant a number that will serve to identify  
28 the applicant for voter registration purposes. To the extent that the  
29 state has a computerized list in effect under this subdivision and  
30 the list assigns unique identifying numbers to registrants, the  
31 number assigned under this subparagraph shall be the unique  
32 identifying number assigned under the list.

33 (8) The affiant's political party affiliation.

34 (9) That the affiant is currently not imprisoned or on parole for  
35 the conviction of a felony.

36 (10) A prior registration portion indicating whether the affiant  
37 has been registered at another address, under another name, or as  
38 intending to affiliate with another party. If the affiant has been so  
39 registered, he or she shall give an additional statement giving that  
40 address, name, or party.

1 (b) The affiant shall certify the content of the affidavit as to its  
2 truth and correctness, under penalty of perjury, with the signature  
3 of his or her name and the date of signing. If the affiant is unable  
4 to write he or she shall sign with a mark or cross.

5 (c) The affidavit of registration shall also contain a space that  
6 would enable the affiant to state his or her ethnicity or race, or  
7 both. An affiant may not be denied the ability to register because  
8 he or she declines to state his or her ethnicity or race.

9 (d) If any person, including a deputy registrar, assists the affiant  
10 in completing the affidavit, that person shall sign and date the  
11 affidavit below the signature of the affiant.

12 (e) The affidavit of registration shall also contain a space to  
13 permit the affiant to apply for permanent vote by mail status.

14 (f) The Secretary of State may continue to supply existing  
15 affidavits of registration to county elections officials prior to  
16 printing new or revised forms that reflect the changes made to this  
17 section by the act that added this subdivision.

18 SEC. 5. Section 2162 of the Elections Code is amended to read:

19 2162. (a) An affidavit of registration other than one provided  
20 by the Secretary of State to a county elections official, the national  
21 voter registration form authorized pursuant to the National Voter  
22 Registration Act (42 U.S.C. Sec. 1973gg), the first page of the  
23 application for a new or renewed California driver's license,  
24 instruction permit, junior permit, or identification card provided  
25 pursuant to Section 12500.5 of the Vehicle Code, or the first page  
26 of the Personal Income Tax filing form provided pursuant to  
27 Section 19584.5 of the Revenue and Taxation Code, shall not be  
28 used for the registration of a voter.

29 (b) A voter registration card shall not be altered, defaced, or  
30 changed in any way, other than by the insertion of a mailing  
31 address and the affixing of postage, if mailed, or as otherwise  
32 specifically authorized by the Secretary of State, prior to  
33 distribution of the card.

34 (c) The affidavit portion of a voter registration card shall not  
35 be marked, stamped, or partially or fully completed by any person  
36 other than an elector attempting to register to vote or by a person  
37 assisting the elector in completing the affidavit at the request of  
38 the elector.

39 SEC. 6. Section 2194 of the Elections Code is amended to read:

1 2194. (a) The voter registration information identified in  
2 subdivision (a) of Section 6254.4 of the Government Code:

3 (1) Shall be confidential and shall not appear on a computer  
4 terminal, list, affidavit, duplicate affidavit, or other medium  
5 routinely available to the public at the county elections official's  
6 office.

7 (2) Shall not be used for a personal, private, or commercial  
8 purpose, including, but not limited to:

9 (A) The harassment of a voter or voter's household.

10 (B) The advertising, solicitation, sale, or marketing of products  
11 or services to a voter or voter's household.

12 (C) Reproduction in print, broadcast visual or audio, or display  
13 on the Internet or a computer terminal unless pursuant to paragraph  
14 (3).

15 (3) Shall be provided with respect to a voter, subject to the  
16 provisions of Sections 2166.5, 2166.7, and 2188, to any candidate  
17 for federal, state, or local office, to a committee for or against an  
18 initiative or referendum measure for which legal publication is  
19 made, and to a person for election, scholarly, journalistic, or  
20 political purposes, or for governmental purposes, as determined  
21 by the Secretary of State.

22 (b) (1) Notwithstanding any other provision of law, the  
23 California driver's license number, the California identification  
24 card number, the social security number, and any other unique  
25 identifier used by the State of California for purposes of voter  
26 identification shown on the affidavit of registration of a registered  
27 voter, or added to voter registration records to comply with the  
28 requirements of the Help America Vote Act of 2002 (42 U.S.C.  
29 Sec. 15301 et seq.), are confidential and shall not be disclosed to  
30 any person.

31 (2) Notwithstanding any other provision of law, the signature  
32 of the voter shown on the affidavit of registration is confidential  
33 and shall not be disclosed to any person, except as provided in  
34 subdivision (c).

35 (c) (1) The home address or signature of a voter shall be  
36 released whenever the person's vote is challenged pursuant to  
37 Sections 15105 to 15108, inclusive, or Article 3 (commencing  
38 with Section 14240) of Chapter 3 of Division 14. The address or  
39 signature shall be released only to the challenger, to elections

officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, “voter’s household” is defined as the voter’s place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150.

SEC. 7. Section 6254.4 of the Government Code is amended to read:

6254.4. (a) The home address, telephone number, e-mail address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the affidavit of registration for a registered voter, are confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.

(b) For purposes of this section, “home address” means street address only, and does not include an individual’s city or post office address.

(c) The California driver’s license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of registration of a registered voter, or added to the voter registration records to comply with the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(d) The signature of the voter that is shown on the affidavit of registration is confidential and shall not be disclosed to any person.

SEC. 8. Section 19584.5 is added to the Revenue and Taxation Code, to read:



1 19584.5. (a) The first page of the Personal Income Tax filing  
2 form prepared by the Franchise Tax Board shall only request the  
3 taxpayer to provide the following information:

- 4 (1) The taxpayer's full name.
- 5 (2) The taxpayer's place of residence.
- 6 (3) Whether the taxpayer wishes to register to vote.
- 7 (4) If the taxpayer wishes to register to vote, the information  
8 requested in an affidavit of registration pursuant to subdivisions  
9 (a), (b), (c), and (e) Section 2150 of the Elections Code.
- 10 (5) Any other information required by state or federal law for  
11 a person to be registered to vote.

12 (b) The first page of the Personal Income Tax filing shall inform  
13 the taxpayer who wishes to register to vote that an elector may  
14 decline to state a political affiliation, but that a person is not ~~be~~  
15 entitled to vote the ballot of a political party at a primary election  
16 unless he or she has stated the name of the party with which he or  
17 she intends to affiliate, or unless he or she has declined to state a  
18 party affiliation and the political party, by party rule duly noticed  
19 to the Secretary of State, authorizes a person who has declined to  
20 state a party affiliation the right to vote the ballot of that political  
21 party. The first page of the Personal Income Tax filing form shall  
22 also list all political parties qualified pursuant to Division 5  
23 (commencing with Section 5000) of the Elections Code.

24 (c) The Franchise Tax Board shall transmit to the county  
25 elections official for the county in which the taxpayer resides a  
26 duplicate of the first page of the completed Personal Income Tax  
27 filing form of the taxpayer if all of the following are satisfied:

- 28 (1) The taxpayer has indicated on the first page of the form that  
29 he or she wishes to be registered to vote.
- 30 (2) The taxpayer has completed the form in its entirety.
- 31 (3) The taxpayer has supplied sufficient information on the form  
32 to indicate that he or she satisfies the requirements to be registered  
33 to vote.

34 (d) Except where a duty imposed by law requires otherwise, in  
35 implementing this section, the Franchise Tax Board shall comply  
36 with applicable federal and state law relating to privacy and  
37 confidentiality of the information collected, shall collect only the  
38 information necessary to implement this section, and shall not  
39 share the information collected pursuant to this section with another

1 agency or person except for a purpose directly related to voter  
2 registration.

3 (e) The Franchise Tax Board shall confer with the Secretary of  
4 State and shall develop a Personal Income Tax filing form in  
5 compliance with this section not later than July 1, 2010.

6 (f) The Franchise Tax Board may continue to supply Personal  
7 Income Tax filing forms in existence on or before July 1, 2010.

8 SEC. 9. Section 12500.5 is added to the Vehicle Code, to read:

9 12500.5. (a) The first page of the application for a new or  
10 renewed California driver's license, instruction permit, junior  
11 permit, or identification card shall only request the applicant to  
12 provide the following information:

13 (1) The applicant's name.

14 (2) The applicant's place of residence.

15 (3) Whether the applicant wishes to register to vote.

16 (4) If the applicant wishes to register to vote, the additional  
17 information requested in an affidavit of registration pursuant to  
18 subdivisions (a), (b), (c), and (e) Section 2150 of the Elections  
19 Code.

20 (5) Any other information required by state or federal law for  
21 a person to be registered to vote.

22 (b) The first page of the application shall inform the applicant  
23 who wishes to register to vote that an elector may decline to state  
24 a political affiliation, but that a person is not entitled to vote the  
25 ballot of a political party at a primary election unless he or she has  
26 stated the name of the party with which he or she intends to  
27 affiliate, or unless he or she has declined to state a party affiliation  
28 and the political party, by party rule duly noticed to the Secretary  
29 of State, authorizes a person who has declined to state a party  
30 affiliation the right to vote the ballot of that political party. The  
31 first page of the application shall also list all political parties  
32 qualified pursuant to Division 5 (commencing with Section 5000)  
33 of the Elections Code.

34 (c) The department shall transmit to the county elections official  
35 for the county in which the applicant resides a duplicate of the first  
36 page of the completed application of the applicant if all of the  
37 following are satisfied:

38 (1) The applicant has indicated on the first page of the  
39 application that he or she wishes to be registered to vote.

40 (2) The applicant has completed the application in its entirety.

1 (2) The applicant has supplied sufficient information on the  
2 application to indicate that he or she satisfies the requirements to  
3 be registered to vote.

4 (d) Except where a duty imposed by law requires otherwise, in  
5 implementing this section, the department shall comply with  
6 applicable federal and state law relating to privacy and  
7 confidentiality of the information collected, shall collect only the  
8 information necessary to implement this section, and shall not  
9 share the information collected pursuant to this section with another  
10 agency or person except for a purpose directly related to voter  
11 registration.

12 (e) The department shall confer with the Secretary of State and  
13 shall develop a ~~Personal Income Tax filing form~~ *an application*  
14 *for a new or renewed California driver's license, instruction*  
15 *permit, or identification card* in compliance with this section not  
16 later than July 1, 2010.

17 (f) The department may continue to supply applications for a  
18 new or renewed California driver's license, instruction permit,  
19 junior permit, or identification card in existence on or before July  
20 1, 2010.

21 SEC. 10. Section 12950.5 of the Vehicle Code is amended to  
22 read:

23 12950.5. (a) The department shall require a digitized signature  
24 on each driver's license. A digitized signature is an electronic  
25 representation of a handwritten signature.

26 (b) The department shall provide to the Secretary of State the  
27 digitized signature of a person who registers to vote on the voter  
28 registration card provided by the department or whose application  
29 for a new or renewed California driver's license, instruction permit,  
30 junior permit, or identification card is transmitted to the county  
31 elections official for the county in which the applicant resides  
32 pursuant to subdivision (b) of Section 12500.5.

33 (c) The department shall provide the Secretary of State with  
34 change-of-address information for a voter who indicates that he  
35 or she desires to have his or her address changed for voter  
36 registration purposes.

37 SEC. 11. If the Commission on State Mandates determines  
38 that this act contains costs mandated by the state, reimbursement  
39 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O